

REMARKS

Upon entry of the present amendment, claims 1 through 15 will have been canceled without prejudice or disclaimer of the subject matter. Claim 16 through 31 will have been submitted for consideration by the Examiner.

Additionally, the specification will have been amended to clarify and amplify features of the present invention and a new abstract will have been submitted for entry into the present application. Yet further, certified English-language translations of the foreign priority documents, upon which the present application claims an entitlement to early effective filing date, are being submitted herewith.

In view of the herein contained newly submitted claims and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections set forth in the above mentioned Official Action, together with an indication of the allowability of all of the claims pending in the present application.. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicants which to respectfully thank the Examiner for indicating his acceptance of the drawings filed in the present application on December 14, 2004.

Additionally, Applicants wish to respectfully thank the Examiner for acknowledging their claim for foreign priority under 35 U.S.C. § 119 as well as for confirming receipt of the certified copies of the priority document upon which the above noted claim for foreign priority is based.

Applicants, additionally wish to thank the Examiner for considering the various items of information submitted in the Information Disclosure Statement filed in the present application on April 18, 2005 by the return of the signed and initialed PTO-1449 form that was attached to the Information Disclosure Statement.

By the present response, Applicants have submitted amendments to the specification of the present application. Entry of the herein contained amendments to the specification is respectfully requested. The above noted amendments to the specification do not introduce prohibited new matter into the present application.

In particular, these amendments are made to enable the disclosure of the present publication to more closely correspond to the disclosures of the Japanese priority applications upon which the present application is based. In this regard, Applicants note that at page 133, lines 18-22 of the present application Applicants have expressly incorporated by reference the

disclosures of each the cited Japanese patent applications, in their entirety, into the present application. Accordingly, it is respectfully submitted that, at least for this reason, the herein contained amendments to the specification do not comprise prohibited new matter and accordingly entry thereof is appropriate and proper, and is respectfully requested.

In the Outstanding Official Action, the Examiner rejected claims 1 to 4, 6 to 10, 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over JALALI (US Patent No. 6,421,333) in view of LOPES et al., (US Patent Publication No. 2004/0255040). Claims 5, 11, 14, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JALALI in view of LOPES et al., and HWANG et al., (US Patent No. 6,791,964).

Applicants respectfully traverse the above noted rejections and submit that they are inappropriate with respect to the combination of features recited in Applicants presently pending claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections set forth in the present application together with an indication of the allowability of all claims pending in the present application, in due course.

Initially, Applicants respectfully submit that LOPES et al., is not available as a reference against any of the claims in the present application. In this regard, Applicants note that LOPES et al., is entitled to a filing date of October 21 2002, under 35 U.S.C. § 102(e). In contrast, the present application in is entitled to an early effective filing date of July 16, 2007, based upon Japanese Patent Application No. 2002 - 206799. Additionally, the present application is entitled to an early effective filing date of September 5, 2002, based on Japanese Patent Application No. 2002 - 259791. Each of these two dates is noted to be prior to the filing date of October 21, 2002 to which LOPES et al., is entitled.

In support of Applicant's right to the above noted early effective filing dates, Applicants are attaching hereto, certified English language translations of each of the above noted priority documents. Accordingly, by such submission, Applicants have now perfected their claim for foreign priority and are now entitled to the above noted early effective filing dates.

Applicants further submit that the above noted Japanese priority documents, upon which the present application relies for an early effective filing date, fully support the presently pending claims of the present application.

Accordingly, because LOPES et al., has been removed from being available as a reference against any of the claims in the present application, Applicants respectfully submit that

each of the Examiner's rejections is now clearly deficient and defective. The Examiner, by setting forth the two combination rejections, has essentially admitted that the primary reference relied upon, JALALI does not contain a disclosure that is adequate or sufficient to render unpatentable any of the claims in the present application. Accordingly, the Examiner is respectfully requested to review the attached English language translations and to reconsider and withdraw the rejections asserted against all of the claims in the present application.

Independently of the above, Applicants respectfully submit that the references relied upon by the Examiner do not teach, disclose or render obvious the particular combinations of features recited in each of Applicant's claims.

Applicants claims are directed to an orthogonal frequency division multiplexing system (OFDM). In direct contrast, both the primary reference relied upon by the Examiner, JALALI, as well as HWANG et al., relate to, CDMA systems and are accordingly directed to radically different communication technologies.

Additionally, neither of JALALI and HWANG et al., disclose or suggest the recited features of Applicants' claims which include a "composing, on a per unit time basis, a plurality of carrier groups each composed of one or more subcarriers;" to as well as "assigning, on a per unit time basis, transmission data for a plurality of transmission destination terminals, to the plurality of carrier groups" in the combinations recited in Applicants independent claims 16 and 24, where the language of claim 16 is utilized merely as a non-limiting example.

Yet additionally, none of JALALI and HWANG et al., disclose or suggest the explicit recitations of Applicant's invention as recited in claims 19 and 27 including, inter alia, "transmitting, at a first time, a modulated signal for a first terminal on a first carrier group and a modulated signal for a second terminal on a second carrier group;" as well as "transmitting, at a second time, a modulated signal for a third terminal on the first carrier group and a modulated signal for a fourth terminal on the second carrier group" in the claimed combinations, utilizing the terminology of claim 19 merely as a non-limiting example.

Additionally, none of JALALI and HWANG et al., disclose or suggest, the explicit recitations of Applicants' invention, as recited in claims 21 and 29 including, inter alia, "configuring a transmission frame including a first carrier group where a modulated signal for a first terminal is arranged and a second carrier group where a modulated signal for a second terminal is arranged" together with "selecting the transmission frame from one of a transmission

frame for transmitting a modulated signal for the first terminal on the first carrier group and a transmission frame for transmitting a plurality of different modulated signals for the first terminal on the first carrier group; and selecting the transmission frame from one of a frame configuration for transmitting a modulated signal for the second terminal on the second carrier group and a frame configuration for transmitting a plurality of different modulated signals for the second terminal on the second carrier group", in the claimed combinations, utilizing the language of claim 21 merely as a nonlimiting example.

For each of the above noted reasons independently, and certainly for all of the above noted reasons it is respectively submitted that the claims in the present application are in condition for allowance and an indication to such effect is respectfully requested, in due course.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have amended the specification of the present application and have submitted new claims for consideration by the Examiner.

Applicants have submitted certified English language translations of their foreign priority documents so as to render un-available as a reference, one of the references relied upon by the Examiner in the rejection of all the claims in the present application, thus rendering each of the rejections fatally defective.

Additionally and independently of the above, Applicants have traversed the Examiner's rejections noting that the references relied upon to not disclose the various combinations of features recited in Applicants various claims. Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect, in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Yutaka MURAKAMI


William Pieprz
Reg. No. 33630

Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191